

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

CRIMINAL CASE NO. 3:06cr085

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
THOMAS McCOY RICHARDSON, JR.,)
)
 Defendant.)

)

ORDER

THIS MATTER came before the Court by reassignment due to a conflict of interest on November 19, 2007. Prior to reassignment, this matter was set for trial before the Honorable Frank D. Whitney for the January 7, 2008 trial term.

There is pending the Defendant's motion to suppress [Doc. 25] which had been scheduled for a hearing on December 21, 2007. The undersigned will refer the motion to suppress to the Magistrate Judge for a hearing, report and recommendation. The Speedy Trial Act provides in pertinent part that the following time is excluded: "Any period of delay resulting from other proceedings concerning the defendant, including ...

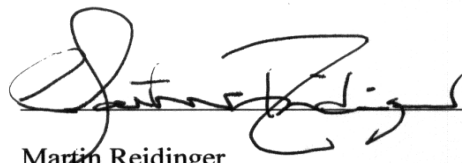
(F) delay resulting from any pretrial motion, from the filing of the motion through the conclusion of the hearing on, or other prompt disposition of such motion[.] See 18 U.S.C. § 3161(h)(1)(F). The Court thus concludes that the trial must be continued from the January 2008 term of court in order to allow for the disposition of the Defendant's motion to suppress.

In addition, a failure to continue this matter would unreasonably deny counsel for the parties the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv). Moreover, forcing the parties to trial prior to the resolution of the Defendant's motion to suppress would be likely to result in a miscarriage of justice. 18 U.S.C. §3161(h)(8)(B)(i). Accordingly, for the reasons set forth above, the Court finds that the ends of justice served by continuing this matter outweigh the best interest of the public and the Defendant in a speedy trial. See 18 U.S.C. § 3161(h)(8)(A).

IT IS THEREFORE ORDERED that the trial of this case is hereby **CONTINUED** from the January 2008 term of Court.

IT IS FURTHER ORDERED that the Defendant's motion to suppress [Doc. 25] is hereby **REFERRED** to the Honorable David Keesler, United States Magistrate Judge, for a recommendation for the disposition of this motion.

Signed: November 26, 2007


Martin Reidinger
United States District Judge

